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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,307	11/28/2003	Chi Lam Wong		1426

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EXAMINER
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PRICE, CARL D

ART UNIT	PAPER NUMBER
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3749

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/724,307	WONG, CHI LAM	
	Examiner	Art Unit	
	CARL D. PRICE	3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03/21/2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

**Request for Continued Examination under 37 CFR 1.114**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on **03/21/2005** has been entered.

Applicant's arguments with respect to newly submitted claims 2-18 have been considered but are moot in view of the new ground(s) of rejection.

Applicant has amended the claims to be of a scope different than that previously considered. Applicant, for example, argues that the prior art does not show or disclose:

- a case side edge with a predetermined thickness and an edge port;
- a connector having a recess portion fittingly receiving the protuberance of the upper cover;
- wherein the connector is fittingly inserted into the edge port through the opening and is received within the edge port of the case; and
- wherein the connecting means is hidden within the case side edge of the case at a position below the upper edge of the case so as to pivotally connect the upper cover with the case.

**Drawings**

The drawings are objected to because the drawing Figure 3 presented under the Heading "DRAWING AMENDMENTS" in "Attachment 1" of the response filed on 03/21/2005 is not marked "New Sheet" pursuant to 37 CFR 1.121(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application.

Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

**Claims 2 and 9: Rejected under 35 U.S.C. 102(a)**

Claims 2 and 9 are rejected under 35 U.S.C. 102(a) as being anticipated by US005261552 (L'HOTEL ET AL).

US005261552 (L'HOTEL ET AL) shows a lighter housing having a gas container, a combustion device (9) the gas container, and an igniter for igniting (not referenced) the combustion device and further including an upper cover (2) and a case (1), wherein the upper cover includes a protuberance (3) forming a small hole (5) therein.

More specifically, US005261552 (L'HOTEL et al) shows:

- a case side edge (10) with a predetermined thickness and an edge port (14);
- a connector having a recess or edge port (4) fittingly receiving the protuberance (3) of the upper cover;
- connection means (5) for pivotally connecting the protuberance of the upper cover to the connector at the recess portion thereof;
- wherein the connector is fittingly inserted into the edge port through the opening and is received within the edge port of the case; and
- wherein the connecting means (6) is hidden within the case side edge of the case at a position below the upper edge of the case so as to pivotally connect the upper cover with the case.

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Claims 2, 3, 5, 6, 9, 10, 12, 13 and 15 are rejected under 35 U.S.C. 102(a) as being anticipated by JP 11-241822.

JP 11-241822 shows a lighter housing having a gas container, a combustion device (2) the gas container, and an igniter for igniting (4) the combustion device and further including an upper cover (9) and a case (1), wherein the upper cover includes a protuberance (10) forming a small hole (12) therein.

More specifically, JP 11-241822 shows:

- a case side edge with a predetermined thickness;
- a connector (11) having a recess or edge part (7) fittingly receiving the protuberance (10) of the upper cover;
- connection means (12) for pivotally connecting the protuberance of the upper cover to the connector at the recess portion thereof;
- wherein the connector is fittingly inserted into two longitudinal grooves (7; figure 3) of the edge port through the opening and is received within the edge port of the case; and
- wherein the connecting means (12) is hidden within the case side edge of the case at a position below the upper edge of the case so as to pivotally connect the upper cover with the case.

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 4, 7, 8, 11 and 14-18: Rejected under 35 U.S.C. 103(a)**

Claims 4, 7, 8, 11 and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 11-241822 in view of US003615035 (NEWTON)

JP 11-241822 shows the invention substantially as set forth in the claims with possible exception to the connector having a trapezoid (i.e. – dovetail) cross section.

US003615035 (NEWTON) teaches, from the same hinge field of endeavor as JP2001-165437, forming hinge connecting portions (5) to have a trapezoid cross section for the purpose of inhibiting disengagement of the hinge connector (see column 3, lines 51-53).

In regard to claim 4, 7, 8, 11 and 14-18, for the purpose of inhibiting disengagement of the hinge connector, it would have been obvious to a person having ordinary skill in the art to modify the JP 11-241822 connector to include a trapezoid (i.e. – dovetail) cross section, in view of the teaching of US0003615035 (NEWTON).

In regard to claims 16-18, since the thickness of the connector would depend on numerous design concerns such as the overall size and shape of the cover and/or case, respectively, the type of material used to manufacture the cover and/or case, etc., to form the connector to have a thickness in the range stated in applicant's claims can be viewed as nothing more than a mere matter of choice in design absent the showing of any new or unexpected results produced therefrom over the prior art of record.

**Conclusion**

See the attached PTO FORM 892 for prior art made of record and not relied upon and which are considered pertinent to applicant's disclosure.

**USPTO CUSTOMER CONTACT INFORMATION**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARL D. PRICE whose telephone number is (571) 272-4880. The examiner can normally be reached on Monday through Friday between 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on (571) 272-4877. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Carl D. Price'.

CARL D. PRICE  
Primary Examiner  
Art Unit 3749

cp